

DAVIE AGRICULTURAL ADVISORY BOARD

SEPTEMBER 28, 2004

6:30 P.M.

1. ROLL CALL

The meeting was called to order at 6:46 p.m. Board members present were Chair Hilda Testa, Vice-Chair Julie Aitken, Jacque Daniels and Dr. Rick Bruns. Also present was Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: August 24, 2004

Vice-Chair Aitken indicated that Bird J. Harris should be Bert J. Harris and the heading under Old Business should read "Downzoning" instead of "Downsizing".

Vice-Chair Aitken made a motion, seconded by Ms. Daniels, to approve the minutes of August 24, 2004 with the corrections. In a voice vote, all voted in favor. **(Motion carried 4-0)**

3. OLD BUSINESS

The Board discussed inviting Development Services Director Mark Kutney to the November meeting to discuss the downzoning issue.

Vice Chair Aitken explained that there had to be understanding of the issue. She commented on the property that was downzoned to agriculture and indicated that if the land owner had the vested right to return the land to R-5, then it would not be an issue because the value of the land would have been retained. Ms. Daniels commented that Vice-Chair Aitken should find out first. Vice-Chair Aitken commented that Mr. Kutney may not fully understand what she was trying to explain to him, and vice versa. She indicated that it would be worthwhile to have the discussion with Mr. Kutney as he would be able to explain because at the moment everything was speculation.

A lengthy discussion was devoted to comprehensive plan, zoning, spot zoning, future land use, land use amendment and whether the property could be rezoned to AG in the future if it had been zoned to the maximum. Vice-Chair Aitken commented that there were questions that needed to be asked of Mr. Kutney to clarify the issue.

There was discussion regarding the different residential zoning categories and what was permitted in each category. Chair Testa asked if agriculture was allowed in all zoning districts. Vice-Chair Aitken indicated that agriculture was not considered development under State law and the land development regulations applied to regulating development and zoning was a land development regulation. According to Mr. Kutney, zoning was the only regulation that could not be exempted. Vice-Chair Aitken explained why the downzoning had become an issue, adding that the Town might become liable if the property owner was forced to downzone their property because of incorrect information and it was not required by law.

Ms. Daniels asked who would decide if Vice-Chair Aitken's or Mr. Kutney's interpretation of the State law was correct. Vice-Chair Aitken commented that the issue should be reviewed by the Town Attorney.

Discussion ensued regarding Mr. Kutney's response and reference made to Florida Statutes 163.31776A and 163.3202-2B. Chair Testa commented that it would be a good idea to review the Statutes before meeting with Mr. Kutney. She added that once researched, copies should be forwarded to each Boardmember through the Board Secretary. Mr. Kutney in his response to Vice-Chair Aitken's email referred to the exercise of police power which Vice-Chair Aitken explained.

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Vice-Chair Aitken indicated that it was important that the Board and staff arrive at a better understanding and it would be worthwhile that Mr. Kutney meet with the Board and explain his position. She added that the primary interest of the Board was to encourage agriculture. Ms. Daniels agreed. Vice-Chair Aitken commented that she would like the Board to maintain a good working relationship with staff.

There was a lengthy discussion regarding development rights with Vice-Chair Aitken indentifying properties in Davie that the development rights would be sold to Broward County. She indicated that the sale development rights should be encouraged because it opened the door to people who wanted to continue agriculture. Vice-Chair Aitken explained that a 25 years old who wanted to purchase a farm could not do so in Davie because the land was too expensive. Chair Testa added that the idea of farming on cheap land and moving when it became too expensive was a spiral down and eventually, all land would get that way.

Vice-Chair Aitken indicated that her property was also on the list to sell the development rights to the County. She stated that she would be meeting with the County Attorney to discuss the contract. Vice-Chair Aitken indicated that the discussion with the County would include selling private land to the County to become a park and retaining a portion of the land to do a Purchase of Development Rights (PDR) on the portion that was retained. This would give the County the option at a later date to purchase the portion that was retained with no development rights left on it.

Vice-Chair Aitken indicated that the PDR would enable new people moving into the Town to purchase land and farm it because the asking price would be much less. She added that the bulk of the value of the farm land was the development. Vice-Chair Aitken further explained that the County was not offering the full value of those rights. Dr. Bruns commented that the County was paying \$185,000 maximum per acre for the land development rights. Vice-Chair Aitken commented that whatever the appraised value was the County would pay a percentage of the land which was the development value. The County was willing to pay 80% of the development rights which are 90% of the full value of the development rights. She indicated that this was a "have your cake and eat it" situation that allowed the property owner to remain on the farm and get some of the money up front.

A lengthy discussion ensued regarding millage rate and excessive spending by the County. Dr. Bruns indicated that residents were being taxed to death and people could not handle it. He indicated that he was in favor of everything that was being done, however, his concern was priority spending. Vice-Chair Aitken agreed with Dr. Bruns, adding that the County Commissioners argument was that the increase of people in Broward County would mean an increase in services. She added that saving land was a referendum item in 2000 and was a bond issue, with \$400 million earmarked by the bond to save land. Vice-Chair Aitken commented that the PDR was a good idea because maintenance was not paid by the County but by the farmer. Dr. Bruns commented that if the PDR was still coming from the bond issue, he was in favor of it. Vice-Chair Aitken explained that half of the bond money was for land acquisition and half went to parks and recreation for improving the parks and the park facilities.

There was a brief discussion regarding when to invite Mr. Kutney to discuss the down-zoning issue and when the next meeting would be held. Chair Testa indicated that due to the holidays, there would be no meetings held in November and December.

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Vice-Chair Aitken made a motion, seconded by Ms. Daniels, that Chair Testa issue an invitation to Mr. Kutney to attend the January 2005 to discuss the issues. In a voice vote, all voted in favor. (Motion carried 4-0)

Chair Testa discussed the hurricane turnout and referred to background information on the Robbins property that was provided to her by former councilmember Kathy Cox who was now a resident of Southwest Ranches. She indicated that when the park was donated to the Town, there was a stipulation that the park had to be absolutely passive so any night time horse shows would be met with resistance from the residents. Chair Testa explained that when the park was acquired the Town was opposed to having any formal activities at the park; it was to be a "preserve," kept in its original state. She explained that Ms. Cox suggested that the Board look at Bamford Sports Park. Chair Testa explained that the southwest corner of the park was a large field which was fenced, it was lit and the Davie spine trail ran through it. She indicated that this might be a more appropriate location for an equestrian program which could be linked with other parks and recreation programs being offered by the Town. Vice-Chair Aitken added that there were always programs going on for Davie children but nothing involving horses. Chair Testa commented that she would like her children to be involved with the programs. She indicated that Special Projects Director Bonnie Stafiej had indicated that she had lot of ideas for equestrian programs for children; however, with the number of recent hurricanes, she would wait to address the issue with Ms. Stafiej.

The Board briefly discussed the Bamford location with Chair Testa indicating that the area was approximately five acres. Vice-Chair Aitken commented that "tent" barns could be rented instead of erecting permanent structures. Chair Testa commented that she had been looking for concrete barns to be used as a hurricane turnout; however, with the number of hurricanes recently, it would be impossible to build enough stalls for hurricane protection to accommodate the number of people involved. She withdrew her suggestion for the erection of concrete barns and added that the Board should focus more on working with the Park and Recreation Department to encourage "horse" programs. Vice-Chair Aitken suggested that Chair Testa request an aerial map of Bamford Park.

The Board discussed the coordination of the hurricane turnout by Ms. Stafiej and commended her for a job well done. Chair Testa indicated that she would order an aerial map of Pine Island Park.

Vice-Chair Aitken suggested making plans to get the Pony Club started since there was a location available. Chair Testa advised that Ms. Stafiej had indicated to her that she had ideas willing to share with the Board; however, Chair Testa felt that Ms. Stafiej was too busy at the moment. Vice-Chair Aitken indicated that guest instructors could be used to provide instruction to the participants.

4. NEW BUSINESS

Vice-Chair Aitken discussed the PDR, commenting that the Town did not have the funds to try to protect land; however, staff was helping some of the citizens to form a land trust to raise money as a non-profit organization. She indicated that meetings were being held weekly in the

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daytime; however, there would be one meeting per month in the evening to allow volunteers to participate. She commented that the organization was expecting funds through donations from developers.

Vice-Chair Aitken distributed flyers referring to the Davie Area Land Trust and asked that the Board distribute them in their neighborhood. She explained that the first meeting was an introduction and an attempt to get the public to understand the project. She indicated that there might also be grants available to provide the funds and there were certain grants available to charitable organizations that were not available to the government. Vice-Chair Aitken believed that the land trust was a good way to preserve the rural character of Davie.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

6. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 8:04 p.m.

Date Approved

Chair/Board Member